

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES BENJAMIN,

Petitioner,

-against-

9:05-CV-0902
(LEK/DEP)

JUSTIN TAYLOR,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on April 6, 2007 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 21). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objection and supplemental objection by James Benjamin, which were filed on April 12, 2007 and April 16, 2007, respectively. Objections (Dkt. Nos. 22, 23).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

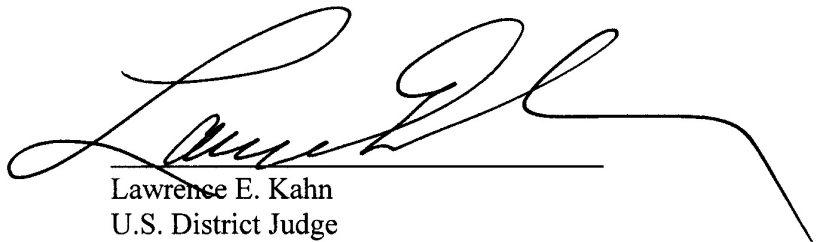
ORDERED, that the Report-Recommendation (Dkt. No. 21) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Petitioner's petition in this matter (Dkt. No. 1) be **DENIED** and **DISMISSED** in all respects; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 24, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge